REMARKS:

The following remarks are further to the Request for Reconsideration filed March 8, 2011 and responsive to the comments made in the Advisory Action of March 23, 2011.

This application is believed to be in condition for allowance. Consideration and entry of the following remarks is respectfully requested.

Status of the Claims

Claims 7-20 remain in this application.

Claim Rejections-35 USC §103

Claims 7-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over BRENDEL et al. 2002/0192344 (BRENDEL) in view of the Journal of the Chinese Cereals and Oils Association ("the Chinese Journal article").

Claims 7-8,11-12,14-15 and 18-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over KILBWA U.S. 6217930 in view of the Journal of the Chinese Cereals and Oils Association ("the Chinese Journal article").

Claims 9-10,13,16-17 and 20 rejected under 35 U.S.C. §103(a) as being unpatentable over KILIBWA U.S. 6,217,930 in view of the Journal of the Chinese Cereals and Oils Association ("the Chinese Journal article") and BRENDEL.

These rejections are respectfully traversed for the reasons stated March 8, 2011.

The Advisory Action of March 23, 2011, however, stated that without knowing the unexpected properties stated by applicant, e.g., a maximum softness, one would have been motivated to add the reducing agent.

A new set of experiments has been executed under the direction of one of the named inventors, Mr. Bernard Boursier, to make clear the role of the reducing agent in the dough (for preparing brioches):

- the reducing agent lessens the cohesion of the gluten network; and
- the reducing agent impacts the quality of the baked product, i.e., by reducing the volume of the baked products.

In the experiments, doughs were compared at the same proofing time: 1h45. See, e.g., the table bridging pages 2 and 3.

Formulation D, which includes 0.2 cysteine without an improving agent according to the claimed invention, produced a dough that was so sticky that it was not possible to even measure length increase in shaping the brioche (which is used to determine tenacity, as described on page 5 and will be discussed below). This “stickiness” corresponds to the decreased cohesion of the gluten network. Additionally, this same formulation had a reduced volume compared to the control dough (Formulation A), in

which neither the improving agent nor the reducing agent cysteine was present. See, e.g., the table bridging pages 2 and 3 of the Declaration and the comments regarding Formulation D on pages 3 and 4. The volume data is shown on page 3.

As evidenced by the Declaration, the addition of reducing agent has an effect on the quality of the baked product, and it would not have been obvious to add a reducing agent to a known formulation with an expectation of success.

At the same time, the Declaration also demonstrates (see Formulation E) that the addition of a reducing agent is essential for obtaining dough acceptable from an industrial point of view. That is, when the claimed improving agent is present in a dough without the reducing agent has an unacceptable kneading time, e.g., 5+45 minutes (Speed 1 + Speed 2), whereas a dough without either the improving agent or the reducing agent had a kneading time of 3+15 minutes (Formulation A). The impact of the amount of reducing agent relative to the amount of improving agent may also be seen in Formulations B, C, F, and G. See the kneading times on page 2 and the comments on page 4.

The claimed combination is therefore very specific.

Finally, the additional data shows that baked products according to the invention (see, e.g., Formulations F and G) have organoleptic properties comparable to the product obtained with the control formulation A, and with increased softness. The organoleptic properties are discussed on page 5. The softness or

tenacity is determined by the measure of length increase in shaping the brioche, as discussed on page 5 in light of the length increase data in the Table.

Therefore, in light of data provided, the claimed invention provides unexpected superior results. The claimed invention unexpectedly avoids a reduced volume caused by a reducing agent and an increased kneading time caused the improving agent, and the invention unexpectedly achieves organoleptic properties comparable to the product without either the reducing agent or improving agent and with increased softness.

None of BRENEL, KILIBWA or the Chinese Journal article predicted that maintained organoleptic properties with an increased softness could have been achieved without a reduced volume or increased kneading time.

Withdrawal of the rejections is respectfully requested.

Double Patenting Rejection

Claims 7-20 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11 of copending Application 11/993,025.

This rejection is traversed for the reasons provided in the reply of March 8, 2011.

Conclusion

In view of the foregoing remarks and Declaration data, this application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Robert A. Madsen/

Robert A. Madsen, Reg. No. 58,543
209 Madison Street, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

RAM/jr

APPENDIX:

The Appendix includes the following item:

- a 37 CFR 1.132 Declaration